

**Frequently Asked Questions on
Retrofitting Flood-Prone Residential Structures
September 25, 2006**

For questions about getting started and other general inquiries not included in this document, call Helen Owens at (609) 292-2178. For engineering or architectural design and other technical questions, call an NJDEP engineer at (609) 292-0060.

Q1: Which State Permits are needed to elevate a home?

A: A Flood Hazard Area Control Act Permit (Stream Encroachment Permit) is needed and can be obtained from the NJDEP, Division of Land Use Regulation.

Q2: Is it true that the permit fee is being waived to elevate buildings?

A: Yes, the \$1,000 application fee is being waived for the Flood Hazard Area Control Act Permit to elevate existing buildings, provided:

1. The project does not entail expansion of the building by more than 300 square feet (cumulative living space expansion since 1980);
2. The area under the building is made open to floodwaters and uninhabitable (see Q14 and Q15 below); and
3. No additional property improvements that require a permit are proposed.

In the event that elevating a building will disturb freshwater wetlands or transition area, a Freshwater Wetlands General Permit No. 1 will also be required for the project. However, freshwater wetlands application fees will not be waived. Along tidal waters and in the CAFRA area, elevating a home does not require a permit application if the project meets the standards for an exemption at N.J.A.C. 7:7-2.1(a) or for a Permit-By-Rule at N.J.A.C. 7:7-7.2(a)7.

Q3: How high should a home be raised?

A: To obtain the free Flood Hazard Area Control Act Permit, the lowest habitable floor of the building must be elevated at or above the regulatory flood elevation (see Q4 below).

Q4: What is the “Regulatory Flood Elevation”?

A: Some streams and rivers have flood maps prepared by the State, while other streams and rivers have flood maps prepared by FEMA. Furthermore, the flood plain in some areas has been mapped by both agencies. If a flood plain has been mapped by the State, the regulatory flood elevation is the flood hazard area design flood elevation, which is somewhat higher than the 100-year flood elevation. However, if a flood plain has been mapped by FEMA (but not the State), the regulatory flood elevation is simply 1 foot above the 100-year flood elevation (for these building elevation projects). You can obtain State flood maps at (609) 292-2296 and FEMA flood maps at (800) 358-9616.

Q5: What can I do to determine the elevation of my living space if my stream has not been delineated by either the State or FEMA?

A: You can contact the NJDEP at (609) 292-0060 and ask to discuss your project with an engineer who can help you decide the proper elevation to which you should raise your building.

Q6: Is the permit fee waived if the existing building will be removed to build a new one above the regulatory flood elevation?

A: No. This reconstruction activity requires additional application contents and the fee for additional NJDEP resources that are needed to conduct the application review.

Q7: Do I need a Flood Hazard Area Control Act permit to abandon the first floor of my house and install flood vents and openings to keep the area accessible to floodwaters? The home will be modified to live on the 2nd floor, which is above the regulatory flood elevation, and to construct a 3rd story addition that is directly above and the same size as the 2nd floor.

A: A Flood Hazard Area Control Act Permit is not required provided:

1. The house is not located in a floodway (the inner portion of the flood plain shown on flood maps);
2. The first floor that is abandoned is permanently open and accessible to floodwaters.

If the building is located in a floodway, or if the first floor is not rendered open to floodwaters and uninhabitable (see Q14 and Q15 below), then a Stream Encroachment Permit is required for this project.

Q8: Can the basement be filled when the building is being elevated?

A: Yes, in fact, it is required that you completely fill in any existing basement (that may exist under the elevated building) up to (but not above) the ground elevation adjoining the building.

Q9: Must an engineer prepare a permit application?

A: Not necessarily. A homeowner can prepare their permit application. The NJDEP will assist a homeowner with filling out the application forms if needed. However, drawings of the elevated building must be submitted with the permit application, and these drawings must be signed and sealed by a licensed professional engineer, architect or land surveyor, as appropriate. This is necessary because the drawings must demonstrate that the building will be sufficiently elevated (which requires certification of floor elevations) and should include structural details of the elevated building.

Q10: Can my neighbor and I apply for one permit to elevate both houses at the same time?

A: Yes, the NJDEP encourages combined applications for elevating multiple buildings in a community, since this reduces engineering and applications costs, as well as reduces the number of individual applications the NJDEP must process. Note that each property owner must sign the LURP-1 application form for the combined application.

Q11: Is a Flood Elevation Certificate needed to prepare a permit application?

A: No, but the drawings submitted with the permit application must clearly demonstrate that the lowest habitable floor of the building is being elevated at or above the regulatory flood elevation (see Q4 and Q9 above).

Q12: How long will it take for NJDEP to issue a permit?

A: The NJDEP will issue a permit to elevate a building within 30 days of receiving a complete application that meets all the requirements listed in the NJDEP Flood Hazard Area Control Act Administrative Checklist for Elevating Homes and Buildings.

Q13: Where can I obtain more information about flood proofing a home?

A: At FEMA's web site you can view and download the Homeowner's Guide to Retrofitting. Go to <http://www.fema.gov/rebuild/mat/fema312.shtm>.

Q14: When a home is elevated, can a garage be created below the living space?

A: Yes, provided:

1. The footprint of the garage does not exceed 625 square feet (and provided there is no existing freestanding garage onsite already); and
2. Flood vents are installed in the walls of the garage in accordance with local building codes to balance hydrostatic pressure during a flood.

However, if constructing a garage requires you to install a new driveway within the floodplain you may need to apply for a separate Flood Hazard Area Control Act Permit for the driveway. This additional work requires a more detailed engineering review and you must also pay any associated permitting fees. (Note that elevators and similar devices required by the Americans with Disabilities Act (ADA) to provide access to the building are also permitted beneath the lowest habitable floor.)

Q15: When a home is elevated, can a crawl space be created below the living space? If so, how can that space be used?

A: Yes, provided:

1. The height of the crawl space (the vertical distance from the floor of the crawl space to the lowest habitable floor) is not greater than 6.5 feet; and
2. Flood vents are installed in the walls of the crawl space in accordance with local building codes to balance hydrostatic pressure during a flood.

If the height of the crawl space exceeds 6.5 feet, at least 25% of the wall area enclosing the crawl space must be permanently open. The crawl space can be used for incidental storage but cannot be used for habitation or contain furnaces, water heaters, or other similar mechanical or electrical devices. (Note that elevators and similar devices required by the Americans with Disabilities Act (ADA) to provide access to the building are also permitted beneath the lowest habitable floor.)

Q16: When a home is elevated, can the elevated living area be expanded or can an exterior deck be added?

A: If the dwelling is located in the flood fringe (and not the floodway), a homeowner can expand the home by up to 300 square feet (cumulative living space expansion since 1980). This can be done in addition to elevating the house and should be shown on the permit application plan. Additionally, decks are not regulated in the flood fringe provided the area above and below the floor of the deck is not enclosed with walls. Decks can be added at the time of elevation and should be shown on the permit application plan.

Q17: What if I get a permit to elevate my home on concrete footings then decide to use another type of construction material or pilings?

A: Some design revisions are safe and acceptable and some are not. Before you proceed with any changes from a design that is shown on the submitted engineering drawings and approved in the permit, you should contact the NJDEP at (609) 292-0060 and discuss your ideas with an engineer who can help you decide what is acceptable.

Q18: If bank erosion caused one or more trees to fall into the river, is a permit needed to remove them?

A: Fallen trees can be removed by hand without a permit from the NJDEP. If the trees cannot be removed by hand, you can use machinery to remove one or more trees in certain cases. If you need to use machinery in the channel, contact the NJDEP at (609) 292-0060 and discuss the project with an engineer before you proceed, to ensure that the tree removal is being done properly and will not damage the environment.

Q19: Who do I contact about problems I've experienced with my insurance company?

A: Contact the NJ Department of Banking and Insurance Consumer Protection Services at (609) 292-5316. There is an online insurance complaint form and a consumer complaint form on their web page at <http://www.state.nj.us/dobi/enfcon.htm>.